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Article

LESS LAW, BUT MORE JUSTICE?: JURY TRIALS AND MEDIATION AS MEANS OF RESOLVING WILL CONTESTS

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The common law emphasis on testamentary intent and undue influence in resolving will contests may overshadow fair distribution. The author presents verdict data from various probate court systems to examine the effectiveness of jury trials and alternative dispute resolution as methods of settling will contests. The author advocates probate court systems that afford will contestants the opportunity to mediate disputes and obtain jury trials in addition to, or in place of, judicial resolutions.

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